

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GEORGE JARVIS AUSTIN,
Plaintiff,
v.
KERRI RILEY,
Defendant.

Case No. 21-cv-09347-JSC

**ORDER RE: APPLICATION TO
REFUND FILING FEE**

Re: Dkt. Nos. 28, 30

Plaintiff filed his complaint on December 2, 2021 along with an application to proceed *in forma pauperis*. (Dkt. Nos. 1, 2.) In the application, Plaintiff responded to nearly all the required questions with “not disclosed.” The Court ordered Plaintiff to file a completed application with information sufficient to support a finding that he is unable to pay the required filing fee, or otherwise to pay the fee. (Dkt. No. 4.) Plaintiff paid the filing fee on January 1, 2022. (Dkt. No. 9.) On March 11, 2022, the Court ordered Plaintiff to file proof of service by April 11, 2022. (Dkt. No. 24.) On March 16, 2022, Plaintiff filed a motion to withdraw his case, (Dkt. No. 26), and the Court issued an order acknowledging Plaintiff’s voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1). (Dkt. No. 27.)

Plaintiff applied to the Clerk of Court for a refund of the \$402 filing fee on the basis that “[n]o action, or service, has been taken on case, and thus no fee required, and refund is appropriate.” (Dkt. No. 25.) The Clerk denied the application and stated that a court order is required for a refund. (Dkt. No. 29.) Plaintiff now requests a court order. (Dkt. Nos. 28, 30.)

The Court may not refund the filing fee. Filing fees are authorized by 28 U.S.C. § 1914 and are part of the costs of litigating a case. “[F]ees are directed towards covering the costs of opening a case,” even if the case is later dismissed. *Green v. Bank of Am.*, No. 2:12-cv-02093–

1 GEB–CKD PS, 2012 WL 5032414, at *1 (E.D. Cal. Oct. 17, 2012); *see Porter v. Dep’t of*
2 *Treasury*, 564 F.3d 176, 179–80 (3d Cir. 2009); *Williams v. Roberts*, 116 F.3d 1126, 1127–28 (5th
3 Cir. 1997) (per curiam). “[T]he filing fee is owed upon initiation of an action, and the obligation
4 to pay the filing fee is not predicated upon the guarantee of some particular outcome within a
5 particular time frame.” *Rodriguez v. Castillo*, No. 1:21-cv-00409-AWI-SAB (PC), 2021 WL
6 4306068, at *1 (E.D. Cal. Sept. 22, 2021).

7 Accordingly, Plaintiff’s request is DENIED. *See, e.g., Duclairon v. LGBTQ Cmty. &*
8 *Grace Cmty. Church Klan*, No. 3:18-cv-01095-AC, 2018 WL 5085754 (D. Or. Oct. 17, 2018)
9 (denying request for refund after plaintiff voluntarily dismissed case).

10 This Order disposes of Docket Nos. 28, 30.

11 **IT IS SO ORDERED.**

12 Dated: March 18, 2022

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15 JACQUELINE SCOTT CORLEY
16 United States Magistrate Judge
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